

Record of Votes

Senators Phillips and Corbin asked to be recorded as voting "nay" on the motion to adjourn.

FIFTY-FOURTH DAY

(Monday, April 16, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 12, 1951, was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Carter submitted the following reports:

Austin, Texas,
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 528, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman

Austin, Texas,
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 694, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 385, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be not printed.

KELLEY of Hidalgo, Chairman

Senate Bill 419 on First Reading

Senator Nokes moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent

Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Nokes:

S. B. No. 419, A bill to be entitled "An Act to amend Articles XIII and XIV of Senate Bill 172, Chapter 421, Acts of the Fiftieth Legislature, to

regulate traffic overtaking and passing a school bus; to permit the Texas Education Agency by and with the advice of the Director of the Department of Public Safety to adopt standards and specifications applicable to lighting on school busses; permitting the use of flashing lights on school busses; making it unlawful to use such lights except when school children are boarding or alighting from school busses; providing a penalty; providing for the repeal of all laws or parts of laws in conflict with this Act to the extent of such conflict; providing a saving clause; and declaring an emergency."

To Committee on Educational Affairs.

Senate Resolution 155

Senator Nokes offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior students of the Fairfield High School Class in United States History, their instructor, Mr. H. D. Whitaker; Mrs. George Grayson, teacher; Mrs. C. M. Wood; and the Hon. Elmer McVey, County Attorney of Freestone County; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 209, A bill to be entitled "An Act prohibiting Communists and persons having communistic leanings from practicing law and receiving a license to practice law, prescribing an oath to be made by attorneys upon being licensed to practice law and annually by members of the State Bar, and providing for disbar-

ment and other penalties for making false affidavit, and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 326 on Second Reading

On motion of Senator McDonald, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 326, A bill to be entitled "An Act providing for the creation, government, operation and maintenance of fire protection districts for the conservation of natural resources and properties within the State of Texas, outside of incorporated cities, towns and villages, and declaring an emergency."

The bill was read second time.

Senator McDonald offered the following committee amendment to the bill:

Amend Senate Bill No. 326 by adding thereto a new section immediately following Section 21, to be known as Section 21a, and reading as follows:

"Section 21a. The provisions of this Act shall become operative when the constitutional amendment provided for in S. J. R. No. 8 is adopted by a vote of the qualified electors of this State and becomes effective."

The committee amendment was adopted.

Senator McDonald offered the following committee amendment to the bill:

Amend Senate Bill 326, in line 6 of the caption, by changing the comma to a semicolon immediately following the word "villages" and inserting thereafter and before the word "and" the following: "providing the time when this Act shall become operative;"

The committee amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 326 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to

be read on three several days be suspended and that S. B. No. 326 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Moore Tynan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent

Bracewell Tynan
Moore

Conference Committee Report on Senate Bill No. 210

Senator Weinert submitted the following Conference Committee Report on S. B. No. 210:

Austin, Texas,
April 16, 1951.

Hon. Ben Ramsey, Lieutenant Governor and President of the Senate;
Hon. Reuben E. Senterfitt, Speaker of the House of Representatives.

Gentlemen:

'We, your Conference Committee, appointed to adjust the differences on S. B. No. 210, have had the same under consideration, and beg leave to report that it be passed in the form and the text attached hereto.

WEINERT
CARNEY
BRACEWELL
LOCK
PHILLIPS

On the Part of the Senate.

SADLER
HINSON
FENOGLIO
BELL
KILGORE

On the Part of the House.

S. B. No. 210, A bill to be entitled "An Act providing that 'municipality' as used herein means any county, school district, incorporated city, town or village, or other incorporated political subdivision of the State; authorizing any municipality to execute, under certain restrictions, leases for the exploration, development, and production of oil, gas, and other minerals or any one or more of them on, in, or under school land or other land owned or claimed or in which an interest is owned or claimed by the municipality; authorizing any municipality to commit any royalty or other mineral interest owned by it in such minerals or any one or more of them to agreements providing for the operation of areas as a unit for the exploration, development, and production of such minerals or any one or more of them; providing for notice; prescribing certain terms and provisions which among others may be included by the governing body of the municipality in such leases and unit agreements; defining 'governing body' as used in the Act; prescribing the manner in which such leases and agreements shall be made and executed; repealing Chapter 279, Acts of the Forty-fifth Legislature, Regular Session, 1937, and all other laws and parts of laws in conflict with the Act; providing a savings and severability clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) "Municipality", as used in this Act means any county, school district, incorporated city,

town, or village, or other incorporated political subdivision of this State;

(b) "Governing body", as used in this Act, means:

- (1) In the case of a county, the commissioners' court;
- (2) In the case of an independent school district, the trustees of such district;
- (3) In the case of a common school district, the county school trustees of the county in which such common school district is situated; and
- (4) In the case of an incorporated city, town, village, or other political subdivision, the commission, council, or other governing board or body that is by law empowered with the management, control, and supervision of such incorporated city, town, village, or other political subdivision.

Section 2. (a) Subject to the provisions of this Act, any municipality in this State is hereby authorized to execute leases for the exploration, development, and production of oil, gas, and other minerals or any one or more of them on, in, or under lands owned or claimed or in which an interest is owned or claimed by such municipality.

(b) With respect to school lands owned by a county, which are governed by Article 7, Section 6, of the Constitution of Texas, such leases may be executed upon such terms as the commissioners' court of the county may deem best.

(c) With respect to any other lands owned by a county, or by any other political subdivision of the State defined herein as a municipality, such leases may be executed for primary terms not exceeding ten years and as long thereafter as oil, gas, or other minerals are produced from the land included in the lease, and upon such other terms as the governing body may deem best, provided that such leases shall reserve to the municipality a free royalty of not less than one-eighth in amount or value of the oil and gas produced and saved.

(d) Any lease executed under the provisions of this Act may authorize the lessee to pool the lease, the lands or minerals included in it, or any part thereof, with any other lands, leases, mineral estates, or parts

thereof; provided that in the case of oil or gas, such authority shall be limited to the formation of drilling or spacing unit or units for the exploration, development and production of oil or gas; and may authorize the lessee to form such units and accomplish such pooling by written designations filed in the county in which the land is situated. With respect to school lands owned by a county, which are governed by Article 7, Section 6, of the Constitution of Texas, the leases may authorize the formation of drilling or spacing units upon such terms and provisions as the commissioners' court of the county may deem best. With respect to any other lands owned by a county, or by any other political subdivision of the State defined herein as a municipality, the drilling or spacing units for oil or gas shall not exceed the minimum number of acres upon which an oil or gas well must be located in order to comply with the applicable spacing rules, regulations, or orders of the Railroad Commission of Texas, or any other regulatory body, state or federal, having authority to control or regulate the spacing of such oil or gas wells. Any such lease may, among other things, further provide in substance: (1) that the entire acreage so pooled into a unit shall be treated for all purposes except the payment of royalties as if it were included in the lease, and drilling or reworking operations on and production of oil, gas, or other minerals included in the designation from any part of such unit shall be considered for all purposes except the payment of royalties as if the operations were on and production were from the land included in the lease whether or not the well or wells are located on the premises included in the lease; (2) that, in lieu of the royalties provided for in the lease, the lessor shall receive on production from a pooled unit only such portion of the royalty provided for in the lease as the amount of lessor's acreage placed in the unit or its royalty interest therein on an acreage basis bears to the total acreage contained in the unit.

Section 3. Any municipality in this State is hereby authorized to commit any royalty or other mineral interest owned by it in oil, gas, and other minerals or any one or more of them to agreements that provide for the operation of areas as a unit for the exploration, development, and

production of oil, gas, and other minerals or any one or more of them. Such agreements may contain such terms and provisions as the governing body may deem best, and may, among other things, provide in substance: (a) that operations incident to the drilling of a well upon any portion of a unit shall be deemed for all purposes to be the conduct of such operations upon each separately-owned tract in the unit by the several owners thereof; (b) that the production allocated to each tract included in a unit shall, when produced, be deemed for all purposes to have been produced from such tract by a well drilled thereon; (c) that any lease covering any part of the area committed to the agreement shall continue in force as long as oil, gas, or other minerals, subject to the agreement, are produced in paying quantities from any part of the unit area; and (d) that royalties reserved to the municipality from any tract or portion thereof included within the unit shall be paid only on that portion of the production allocated to the tract, or on the value of such production so allocated, in accordance with the agreement. No agreement shall be entered into by any municipality that shall in any manner commit such municipality to the payment of any part of the cost or expense of operating any unit area or any well located thereon.

Section 4. A majority of the members of the governing body of any municipality may authorize the execution of a lease or other agreement under the provisions of this Act. When so authorized, such lease or other agreement may be executed by the presiding officer of the governing body and attested by the clerk, secretary, or recorder of such body. Such execution and the attest shall be prima facie evidence of the validity of the lease or other agreement.

Section 5. Before executing a lease or other agreement authorized by this Act, the governing body shall give notice of its intention to do so. The notice shall be given by publishing same in some newspaper of general circulation published in the county where the municipality is situated for one issue of the paper ten days prior to the date the governing body will consider the execution of the lease or agreement. The date of publication shall be the date the paper actually bears. If no newspaper is published in the county

where the notice is required to be given, then the notice may be given by posting the same at the courthouse door of such county, or at any other place in the courthouse provided for posting of notices or citations, at least ten days next preceding the date the governing body will consider the execution of the lease or other agreement, and the publishing or posting may be shown by the affidavit of any credible person made on a written copy of the notice so published or posted, showing the fact of publishing or posting. Such notice shall be sufficient if it gives a brief description of the land, royalty interest, or other mineral interest to be leased or committed to an agreement herein provided for and states the time and place the governing body will consider the execution of the lease or other agreement.

Section 6. Chapter 279, Acts of the Forty-fifth Legislature, Regular Session, 1937, and all other laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 7. If any section, subdivision, paragraph, sentence, or clause of this Act be held to be unconstitutional, the remaining portions of this Act shall nevertheless be held valid and binding.

Section 8. The fact that present laws governing the execution of leases and agreements herein provided for by municipalities are inadequate, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Vick
Hudson	Wagon seller
Kelley of Hidalgo	Weinert
Lane	

Absent

Bracewell Moore
Kelly of Tarrant Tynan

Senate Resolution 156

Senator Hudson offered the following resolution:

Whereas W. G. Kirklin, a prominent citizen, business man and farmer of Ector and Reeves Counties, Texas, is in Austin today and is visiting in the Capitol; therefore, be it

Resolved, By the Senate, that Mr. Kirklin be welcomed by this body and granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 157

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of the La Marque High School and its sponsors, Mr. Lewis and Miss Selma Jones; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senate Bill 281 on Second Reading

Senator Kelley of Hidalgo asked unanimous consent to suspend the regular order of business and that S. B. No. 281 be laid out for consideration at this time.

There was objection.

Senator Kelley of Hidalgo then moved to suspend the regular order of business and that S. B. No. 281 be laid out for consideration at this time.

(President pro tempore in Chair.)

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Fuller	Russell
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—1

Hardeman

Absent

Corbin	Wagonseller
Phillips	Weinert
Tynan	

The President pro tempore laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 281, A bill to be entitled "An Act amending Chapter 111, Acts 1933, 43rd Legislature, First Called Session, to define certain words used therein; providing for approval of bonds by the Attorney General and registration by the Comptroller of Public Accounts; making bonds eligible for purchase by certain insurance companies; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 281 by striking out the period at the end of line 30 and inserting a semicolon and adding: "provided that such bonds may be purchased out of the capital and surplus only of life insurance companies."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 281 by striking out the word "may" in line 21 and inserting the word "shall" in lieu thereof.

The amendment was adopted.

On motion of Senator Kelley of Hidalgo, and by unanimous consent,

the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 281 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 281 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Wagonseller

Absent

Bell	Russell
Colson	Weinert
Corbin	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

Nays—1

Lane

Absent

Bell	Weinert
------	---------

Conference Committee on House Bill 18

Senator Hazlewood asked unanimous consent that the request of the House for a Conference Committee on H. B. No. 18 be granted.

There was no objection offered.

The President pro tempore announced the appointment of the following on the part of the Senate: Senators Lane, Tynan, Hazlewood, Hudson and Weinert.

Bills Signed

The President pro tempore announced the signing of, in the presence of the Senate, after the captions had been read, the following enrolled bills:

H. B. No. 365, A bill to be entitled "An Act to amend the second sentence in Paragraph 1 of Section 11 of House Bill No. 69, Chapter 480, page 895, Acts of the 51st Legislature, 1949, Regular Session, so as to provide that each person re-registering with the State Board of Naturopathic Examiners shall pay an annual re-registration fee to said Board of not less than \$5.00 and not more than \$25.00, and to provide that said Board shall determine the amount of such re-registration fee for each coming year on or before December 15 of each year, and to require said Board to mail notices thereon each year by that date, and declaring an emergency."

H. B. No. 202, A bill to be entitled "An Act amending House Bill No. 77, Chapter 467, Acts of the Forty-fourth Legislature, Second Called Session, 1935, as amended, being the Texas Liquor Control Act and being the Act codified as Articles 666 and 667, Vernon's Penal Code, by amending Section 17, Article I of said Act, so as to make it unlawful for any person holding a Wine Only Package Store Permit or owning an interest in a Wine Only Package Store Permit to have an interest either directly or indirectly in a Manufacturer's License, General Distributor's License, Branch Distributor's License, Local Distributor's License, Wine and Beer Retailer's Permit or a Retail Dealer's On-Premise License or the business thereof; making it unlawful to hold or have an interest directly or indirectly in more than five (5) Package Store Permits; providing for the

consolidation of the businesses of holders of Package Store Permits under certain conditions; and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act changing the name of 'The Texas State University for Negroes' created by Senate Bill 140, Chapter 29, Acts of the Fiftieth Legislature, 1947, to Texas State University; providing that all laws heretofore or hereafter enacted by the Legislature applicable or relating to 'The Texas State University for Negroes' shall be applicable and relate to Texas State University, etc.; and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act changing the name of the County Court of Cameron County at Law, created by House Bill 91, Chapter 59, Acts of the Fortieth Legislature, First Called Session, 1927, codified as Article 1970-305 of Vernon's Civil Statutes of the State of Texas, to County Court at Law of Cameron County, providing that all laws heretofore or hereafter enacted by the Legislature applicable or relating to the County Court of Cameron County at Law shall be applicable and relate to the County Court at Law of Cameron County; and declaring an emergency."

Senate Resolution 158

Senator Nokes offered the following resolution:

Whereas, We are honored today to have in the gallery students of the Tehuacana School, of Tehuacana, Texas, and Mrs. Muriel G. Bounds, their principal, and Miss Dora Gladys Harrison, and Miss Virginia Bounds, teachers; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

NOKES
VICK

The resolution was read and was adopted.

Message From the Governor

The President pro tempore laid before the Senate and directed the Sec-

retary to read the following message received from the Governor today:

Austin, Texas,
April 16, 1951.

To the Members of the Fifty-second Legislature:

I am returning to you herewith House Bill No. 278 which I have this day vetoed because same is contrary to Article III, Section 56 of the Constitution of the State of Texas.

I have referred this proposed legislation to the Attorney General of Texas and in an opinion dated April 13, 1951, he has stated that House Bill No. 278 does contravene above section of the Constitution of Texas.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Senate Joint Resolution 12 on Second Reading

On motion of Senator Fuller, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas to provide a four-year term of office for elective State, district, county and precinct offices and for members of the House of Representatives and to provide a six-year term of office for members of the State Senate; staggering the terms of such offices by having certain holders of such offices be elected for terms of varying length in the November, 1951, special election; and providing for the necessary proclamation and election; and providing necessary appropriation for holding an election.

The resolution was read second time.

Senator Vick offered the following amendment in lieu of the committee amendment to the resolution:

Amend Senate Joint Resolution No. 12 by striking out everything below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 4 of Article IV of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as

soon thereafter as practicable, and shall hold his office for the term of four years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election. At the general election to be held in November, 1956, and thereafter, no person shall be elected to the office of Governor to succeed himself, or herself, after serving a full elective term."

Section 2. That Section 5 of Article IV of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 5. The Governor shall, at stated times, receive as compensation an annual salary to be fixed by the Legislature, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture."

Section 3. That Section 22 of Article IV of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 22. The Attorney General shall hold office for four years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary to be fixed by the Legislature."

Section 4. That Section 23 of Article IV of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 23. The Comptroller of Public Accounts, the Treasurer and the Commissioner of the General Land Office shall each hold office for the term of four years, and until his suc-

cessor is qualified; shall receive an annual salary to be fixed by the Legislature, shall reside at the Capitol of the State during his continuance in office; and shall perform such duties as are or may be required by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this Section, or in his office, shall be paid, when received, into the State Treasury."

Section 5. That Article IV of the Constitution of the State of Texas be amended by adding thereto a Section 27 which shall read as follows:

"Sec. 27. A Commissioner of Agriculture shall be elected for a term of four years. He shall be an experienced and practical farmer, and shall have knowledge of agriculture, manufacture and general industry. His office shall be in Austin. He shall receive an annual salary to be fixed by the Legislature."

Section 6. That Section 9 of Article V of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 9. There shall be a clerk of the District Court of each county, who shall be elected by the qualified voters for State and county officers, and who shall hold his office for four years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy, the judge of the District Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election."

Section 7. That Section 15 of Article V of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 15. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law."

Section 8. That Section 18 of Ar-

ticle V of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 18. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Divisions shall be made by the Commissioners' Court provided for by this Constitution. In each such precinct there shall be elected one justice of the peace and one constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed."

Section 9. That Section 20 of Article V of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for four years, who shall be clerk of the County and Commissioners' Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners' Court, until the next general election; provided, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks."

Section 10. That Section 21 of Article V of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 21. A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of

each county, who shall be commissioned by the Governor and hold his office for the term of four years. In case of vacancy the Commissioners' Court of the county shall have the power to appoint a county attorney until the next general election. The county attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such districts as may be deemed necessary, and make provision for the compensation of district attorneys and county attorneys. District attorneys shall hold office for a term of four years, and until their successors have qualified."

Section 11. That Section 23 of Article V of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 23. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of four years, whose duties and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners' Court until the next general election."

Section 12. That Section 14 of Article VIII of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 14. Except as provided in Section 16 of this Article, there shall be elected by the qualified voters of each county, an Assessor and Collector of Taxes, who shall hold his office for four years and until his successor is elected and qualified; and such Assessor and Collector of Taxes shall perform all the duties with respect to assessing property for the purpose of taxation and of collecting taxes, as may be prescribed by the Legislature."

Section 13. That Section 16 of Article VIII of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 16. The sheriff of each county, in addition to his other duties, shall be the Assessor and Collector of Taxes therefor; but, in counties having ten thousand (10,000) or more inhabitants, to be determined by the

last preceding census of the United States, an Assessor and Collector of Taxes shall be elected as provided in Section 14 of this Article, and shall hold office for four years and until his successor shall be elected and qualified."

Section 14. That Section 44 of Article XVI of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 44. The Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law."

Section 15. That Article V of the Constitution of the State of Texas be amended by adding thereto a Section 30, which shall read as follows:

"Sec. 30. The judges of all County Courts at Law now or hereafter created under the laws of this State, and all criminal district attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified."

Section 16. That Article XVI of the Constitution of the State of Texas be amended by adding thereto a Section 63, which shall read as follows:

"Sec. 63. The office of inspector of hides and animals, the elective district, county and precinct offices which have heretofore had terms of two years shall hereafter have terms of four years; and the holders of such offices shall serve until their successors are qualified."

Section 17. That Article XVI of the Constitution of the State of Texas be amended by adding thereto a Section 64, which shall read as follows:

"Sec. 64. At the general election to be held in November, 1952, and thereafter, the following officers shall be elected for the full terms provided in this Constitution: (a) Governor. (b) Lieutenant Governor. (c) Attorney General. (d) Comptroller of Public Accounts. (e) District Clerks. (f) County Clerks. (g) County Judges. (h) County Treasurers. (i) Criminal District Attorneys. (j) County Surveyors. (k) Inspectors of Hides and Animals. (l) County Com-

missioners for Precincts Two and Four. (m) Justices of the Peace.

"Notwithstanding other provisions of this Constitution, at such general election the following officers shall be elected only for terms of two years: (a) State Treasurer. (b) Commissioner of the General Land Office. (c) Commissioner of Agriculture. (d) Sheriffs. (e) Assessors and Collectors of Taxes. (f) District Attorneys. (g) County Attorneys. (h) Judges of County Courts-at-Law. (i) Public Weighers. (j) County Commissioners for Precincts One and Three. (k) Constables. At subsequent elections, such officers shall be elected for the full terms provided in this Constitution.

"In any district, county or precinct where any of the aforementioned offices is of such nature that two or more persons hold such office, with the result that candidates file for "Place No. 1, Place No. 2, etc.," the officers elected at the general election in November, 1952, shall be elected to a term of two years if the designation of their office is an uneven number, and to a term of four years if the designation of their office is an even number. Thereafter, all such officers shall be elected for the terms provided in this Constitution."

"No officer mentioned in this Section and including members of the Texas Railroad Commission shall be permitted to offer himself as a candidate for any public office unless he resigns from the office which he holds or unless the term of the office which he holds expires with the calendar year when such election is held."

Section 18. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at a special election to be held throughout the State on the second Tuesday of November, A. D. 1951, at which election all ballots shall have printed thereon:

"FOR the Constitutional Amendment providing a four-year term of office for elective State, district, county and precinct officers; prescribing eligibility for such offices; and providing that the salaries of elective State officers shall be fixed by the Legislature."

"AGAINST the Constitutional Amendment providing a four-year term of office for elective State, district, county and precinct officers; prescribing eligibility for such offices;

and providing that the salaries of elective State officers shall be fixed by the Legislature."

Section 19. The Governor shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and laws of this State.

The amendment was adopted.

Senator Fuller offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 12, as amended, by adding, after Section 2, a Section 2A, which shall read as follows:

Section 2A. That Section 17 of Article IV of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 17. If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services as compensation an annual salary to be fixed by the Legislature; and during the time he administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office."

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, Section 17, by striking out the last paragraph and inserting in lieu thereof the following: "No officer mentioned in this section shall be permitted to offer himself as a candidate for any public office or to have his name placed on the ballot at any election, either primary or general, unless he resigns from the office which he holds, or unless the term

of the office which he holds expires with the calendar year when such election is held."

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, by adding a new section immediately following the other sections and numbering the same which shall read as follows: "But in no case shall the Legislature set the salaries of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer and Commissioner of General Land Office at less than \$12,000.00, and should the Legislature fail to appropriate these salaries, or a sufficient amount to pay same, the Treasurer is authorized to pay the salaries to the legal holders of such offices without further authority."

Senator Hudson moved the Senate stand adjourned until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Aikin	Martin
Carney	McDonald
Hardeman	Parkhouse
Hudson	Russell
Lane	Tynan
Lock	Wagonseller

Nays—17

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Moore
Bullock	Nokes
Carter	Phillips
Colson	Shofner
Corbin	Strauss
Fuller	Vick
Hazlewood	

Absent

Moffett	Weinert
---------	---------

Question recurring on the amendment by Senator Martin, it was adopted.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, by striking out the words and figures November, 1952, in Section 17

wherever they appear and substituting in lieu thereof the words November, 1954, and by striking out the words and figures, "the second Tuesday of November A. D., 1951" in Section 18 and substituting in lieu thereof, "first Tuesday after first Monday of November A. D., 1952."

Senator Vick moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—13

Aikin	Hudson
Bell	Kelley of Hidalgo
Carter	Lock
Colson	Shofner
Corbin	Strauss
Fuller	Vick
Hazlewood	

Nays—17

Ashley	Moore
Bracewell	Nokes
Bullock	Parkhouse
Carney	Phillips
Hardeman	Russell
Kelly of Tarrant	Tynan
Lane	Wagonseller
Martin	Weinert
McDonald	

Absent

Moffett

Question recurring on the amendment, it was adopted.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, by striking out the figures 1952 and substituting in lieu thereof the figures 1954.

The amendment was adopted.

Senator Bracewell offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, by striking out Section 7 and the last two sentences of Section 8.

Senator Vick moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—14

Bell	Fuller
Carter	Hazlewood
Colson	Hudson
Corbin	Kelley of Hidalgo

Lock
Moore
Russell

Strauss
Vick
Wagonseller

Nays—16

Aikin	Martin
Ashley	McDonald
Bracewell	Nokes
Bullock	Parkhouse
Carney	Phillips
Hardeman	Shofner
Kelly of Tarrant	Tynan
Lane	Weinert

Absent

Moffett

Question recurring on the amendment, it was adopted.

Senators Fuller, Moore, Carter, Hudson, Russell, Wagonseller, Hazlewood and Corbin asked to be recorded as voting "nay" on the adoption of the amendment.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, by inserting in Sec. 8 after the word "Constitution" a semicolon instead of the period and add: "provided that such division shall be as nearly equal as may be on the basis of population."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, Sec. 8, by striking out the words "there shall be elected two justices of the peace," and inserting in lieu thereof the following: "there may be elected two justices of the peace."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, by striking out Sec. 16 and by striking out the words "Inspector of Hides and Animals" in Sec. 17.

The amendment was adopted.

Senator Martin moved to reconsider the vote by which Amendment No. 6 to the resolution was adopted.

There was no objection offered.

Senator Martin then withdrew the amendment.

Senator Shofner moved to reconsider the vote by which the Bracewell amendment to the resolution was adopted.

Senator Bracewell moved to table the motion to reconsider.

The motion to table was lost by the following vote:

Yeas—10

Aikin	Nokes
Bracewell	Parkhouse
Kelly of Tarrant	Phillips
Martin	Tynan
McDonald	Weinert

Nays—20

Ashley	Hudson
Bell	Kelley of Hidalgo
Bullock	Lane
Carney	Lock
Carter	Moore
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Vick
Hazlewood	Wagonseller

Absent

Moffett

Question recurring on the motion to reconsider the vote by which the Bracewell amendment was adopted, the motion to reconsider prevailed.

Question—Shall the amendment by Senator Bracewell be adopted?

Recess

Senator Hudson moved that the Senate stand recessed until 2:30 o'clock p. m. today.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—19

Aikin	Martin
Ashley	Moore
Bracewell	Parkhouse
Bullock	Phillips
Carney	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelly of Tarrant	Wagonseller
Lane	Weinert
Lock	

Nays—11

Bell	Corbin
Carter	Fuller
Colson	Hazlewood

Kelley of Hidalgo	Russell
McDonald	Vick
Nokes	

Absent

Moffett

Accordingly, the Senate at 12:12 o'clock p. m. took recess until 2:30 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p. m.

**Senate Joint Resolution 12
on Second Reading**

The Senate resumed consideration of pending business, same being S. J. R. No. 12 on its second reading and passage to engrossment with an amendment by Senator Bracewell pending.

Question—Shall the amendment by Senator Bracewell be adopted?

The amendment was lost by the following vote:

Yeas—9

Aikin	Martin
Bracewell	McDonald
Hardeman	Nokes
Kelly of Tarrant	Tynan
Lane	

Nays—18

Ashley	Kelley of Hidalgo
Bell	Lock
Bullock	Moore
Carney	Parkhouse
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Vick
Hudson	Wagonseller

Absent

Hazlewood	Phillips
Moffett	Weinert

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 12, as amended, Sec. 8, by changing the words "four years" to "two years" in the next to the last sentence of said Sec. 8.

Senator Vick moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19

Ashley	Kelley of Hidalgo
Bell	Lock
Bullock	Moore
Carney	Parkhouse
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Vick
Hazlewood	Wagonseller
Hudson	

Nays—11

Aikin	McDonald
Bracewell	Nokes
Hardeman	Phillips
Kelly of Tarrant	Tynan
Lane	Weinert
Martin	

Absent

Moffett

The resolution, as amended, was passed to engrossment by the following vote:

Yeas—20

Ashley	Kelley of Hidalgo
Bell	Lane
Bullock	Lock
Carney	Moore
Carter	Parkhouse
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Vick
Hudson	Wagonseller

Nays—10

Aikin	McDonald
Bracewell	Nokes
Hardeman	Phillips
Kelly of Tarrant	Tynan
Martin	Weinert

Absent

Moffett

Motion to Place Senate Joint Resolution 12 on Third Reading

Senator Vick moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 12 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

Yeas—20

Ashley	Bullock
Bell	Carney

Carter	Lock
Colson	Moore
Corbin	Parkhouse
Fuller	Russell
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Vick
Lane	Wagonseller

Nays—10

Aikin	McDonald
Bracewell	Nokes
Hardeman	Phillips
Kelly of Tarrant	Tynan
Martin	Weinert

Absent

Moffett

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 285, A bill to be entitled "An Act to provide revenues for the payment of old age assistance, aid to destitute children, aid to needy blind, obligations of the State under Teachers Retirement Act, and for the economical and efficient operation of the State Government by amending House Bill No. 8, Chapter 184, Acts 47th Legislature, Regular Session, by amending paragraph Sec. 2.(1) of Section 1 of Article I, which is codified as Article 7057a, Vernon's Annotated Civil Statutes of Texas, so as to increase the occupation tax therein levied on the production of oil; by amending Section 1 of Article III, which is codified as Article 7047, Subdivision 40b, Vernon's Annotated Civil Statutes of Texas, so as to increase the tax therein levied upon sulphur producers; by amending paragraph (1) of Section 1 of Article IV, which is codified as Article 7070, Vernon's Annotated Civil Statutes of Texas, so as to increase the gross receipts tax therein levied on those owning, operating, managing or controlling telephone line or lines or telephones within this State; by amending Section 1 of Article V, which is codified as Article 7060, Vernon's Annotated Civil Statutes of Texas, so as to increase the gross receipts tax therein

levied against those owning, operating, managing or controlling any gas, electric light, electric power, or water works, or water and light plants; by amending paragraph (a) of Section 1 of Article VI, which is codified in Article 7047k, Vernon's Annotated Civil Statutes of Texas, so as to increase the tax therein levied upon the retail sale of motor vehicles; by amending Section 2 of Article VI, which is codified in Article 7047k, Vernon's Annotated Civil Statutes of Texas, so as to increase the use tax therein levied upon every motor vehicle purchased at retail sale outside of this State and brought into this State for use; by amending Section 1 of Article VII, which is codified as Article 666-21, Vernon's Annotated Penal Code of Texas, so as to increase the tax therein levied upon the first sale of distilled spirits, vinous liquors, artificially carbonated and natural sparkling vinous liquor and malt liquors; by amending Section 1 of Article VIII, as amended by Section 1 of H. B. 777, Chapter 536, Acts Fifty-first Legislature, which is codified as Article 7084, Vernon's Annotated Civil Statutes of Texas, so as to increase the franchise tax therein levied; by amending Section 1 of Article X, which is codified in Article 7047 1, Vernon's Annotated Civil Statutes of Texas, so as to increase the luxury excise tax therein levied against those selling at retail new radios, television sets and new cosmetics and playing cards; by amending Section 1(a) of Article XI, which is codified as Section 1(a) of Subdivision 46, of Article 7047, Vernon's Annotated Civil Statutes of Texas, so as to increase the occupation tax on the production of carbon black; by amending Article XII, which is codified as Article 7047, Subdivision 41a, Vernon's Annotated Civil Statutes of Texas, so as to increase the production tax therein levied against cement distributors; by amending Section 1(a) of Article XIV, which is codified in Article 7066b, Vernon's Annotated Civil Statutes of Texas, so as to increase the gross receipts tax therein levied against those doing business as a 'motor bus company' and those doing business as a 'motor carrier' and those doing business as a 'contract carrier'; by amending Section 1 of Article XVI, which is codified as Article 7060a, Vernon's Annotat-

ed Civil Statutes of Texas, so as to increase the tax therein levied upon those engaged in the business of furnishing any service or performing any duty for others for a consideration with the use of any devices, tools, instruments or equipment, electrical, mechanical, or otherwise, or by means of any chemical, electrical, or mechanical process when such service is performed in connection with the cementing of the casing seat of any oil or gas well or the shooting or acidizing of formations of such wells or the surveying or the testing of the sands or other formations of the earth in any such oil or gas wells; by amending paragraph (1) of Section 1 of Chapter 269, House Bill No. 628, Regular Session, Forty-ninth Legislature, which is codified as Section 1(1) of Article 7047b, Vernon's Annotated Civil Statutes of Texas, so as to increase the occupation tax therein levied on the production of gas; and by amending Section 1 of Senate Bill No. 141, Chapter 238, of the Acts of the Fiftieth Legislature, which is codified as Article 7047m, Vernon's Annotated Civil Statutes of Texas, so as to increase the stock transfer tax therein levied; by amending Section 1 of House Bill No. 472, Chapter 620, Acts of the Fifty-first Legislature, which is codified as Article 7064a, Vernon's Annotated Civil Statutes of Texas, so as to increase the tax therein levied against certain classes of insurance companies or carriers; by amending Section 1 of House Bill No. 54, Chapter 341, of the Forty-ninth Legislature, which is codified as Article 7064, Vernon's Annotated Civil Statutes of Texas, so as to increase the gross premium tax therein levied on certain classes of insurance companies or carriers; by amending Section 1 of House Bill No. 40, Chapter 51, of the Forty-ninth Legislature, which is codified as Section 5 of Article 1111d, Vernon's Annotated Penal Code of Texas, so as to increase the chain store tax therein levied; by amending Section 5(a) of House Bill No. 18, Chapter 400, of the First Called Session of the Forty-fourth Legislature, which is codified as Section 5(a) of Article 1111d of Vernon's Annotated Penal Code of Texas, so as to increase the chain store tax therein levied; and amending Section 1 of House Bill No. 471, Chapter 619, Acts Fifty-first Legis-

lature, which is codified as Article 4769, Vernon's Annotated Civil Statutes, by increasing the tax therein levied against certain insurance companies; and by amending Section 22 of House Bill No. 84, Chapter 543 of Acts, Regular Session of the Fifty-first Legislature, codified as Article 667-23, Vernon's Annotated Penal Code, so as to increase the tax therein levied on the first sale of all beer manufactured in Texas and on the importation of all beer imported into this State; and declaring an emergency."

H. C. R. No. 61, Authorizing and instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 256.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

**Committee Substitute
Senate Bill 57 on Second Reading**

Senator Bell asked unanimous consent to suspend the regular order of business and that C. S. S. B. No. 57 be laid out for consideration at this time.

There was objection.

Senator Bell then moved to suspend the regular order of business and that C. S. S. B. No. 57 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Nokes
Carney	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Lane	Weinert

Nays—8

Bullock	Kelly of Tarrant
Carter	Moore
Colson	Parkhouse
Hudson	Wagonseller

Absent

Moffett

The President laid before the Senate on its second reading and passage to engrossment the following bill:

C. S. S. B. No. 57, A bill to be entitled "An Act amending Section 5, Acts 1929, Second Called Session, 41st Legislature, Chapter 42, as amended by Section 5, Acts 1931, 42nd Legislature, Chapter 282, as amended by Section 1, Acts 1941, 47th Legislature, Chapter 71, as amended by Section 1, Acts 1945, 49th Legislature, Chapter 162, regulating the gross weight of commercial motor vehicles, truck-tractors, trailers, semi-trailers and combinations thereof when operated outside the limits of an incorporated city or town and limiting the weight which may be carried on any wheel, tire or axle or group of axles of such vehicles or combinations thereof; and declaring an emergency."

The bill was read second time.

Senator Bell offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill No. 57, second page thereof, by striking from the column of figures under the heading, "Maximum load in pounds carried on any group of axles" the figures "59,220," "60,010," "60,800," "61,580," and substitute therefore the figures "58,420," "58,420," "58,420," "58,420," "58,420," "58,420."

Question—Shall the committee amendment be adopted?

At Ease

On motion of Senator Aikin, and by unanimous consent, the Senate at 3:25 o'clock p.m. agreed to stand at ease for ten minutes.

In Legislative Session

The President called the Senate to order as in Legislative Session at 3:35 o'clock p.m.

The Senate resumed consideration of pending business, same being C. S. S. B. No. 57 on its second reading and passage to engrossment with Committee Amendment No. 1 pending.

Question—Shall the committee amendment be adopted?

Senator Hudson offered the following substitute for Committee Amendment No. 1:

Amend Committee Substitute for

Senate Bill 57 by striking all of Sec. 1, paragraph (b) of Section 5 therefrom and inserting in lieu thereof the following:

"(b) No group of axles shall carry a load in excess of 58,420 pounds and no group of axles shall carry more than 4100 pounds for each foot of distance measured from center to center of the extreme axles of the group."

On motion of Senator Bell, the substitute for Committee Amendment No. 1 was tabled by the following vote:

Yeas—22

Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Nokes
Corbin	Phillips
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—8

Aikin	Moffett
Bullock	Moore
Carter	Parkhouse
Hudson	Wagonseller

Absent

Russell

Question recurring on the committee amendment, it was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 57 by changing the period (.) at the end of the next to the last sentence in Section 1 to a comma (,), and adding the following:

"Provided, however, that the total gross weight concentrated on the highway surface from any tandem axle group on trucks hauling ready-mix concrete shall not exceed thirty-six thousand (36,000) pounds for each such tandem axle group."

The amendment was adopted.

Senator McDonald offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 57 by adding the following to subsection (d):

"Provided, however, that no commercial motor vehicle, truck-tractor, trailer or semi-trailer, nor combination of such vehicles shall be operated over or on, or upon the public highways outside of the limits of an incorporated city or town which exceeds a gross weight of 58,420 pounds unless special permit has been granted therefor."

On motion of Senator Bell, the amendment was tabled by the following vote:

Yeas—20

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Carter	Nokes
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Weinert

Nays—10

Aikin	Moffett
Bracewell	Moore
Hudson	Parkhouse
Martin	Vick
McDonald	Wagonseller

Absent

Russell

Question—Shall C. S. S. B. No. 57 be passed to engrossment?

House Bills on First Reading

The following bills received from the House were read first time and were referred to the committees indicated:

H. B. No. 285, To Committee on State Affairs.

H. B. No. 209, To Committee on Civil Jurisprudence.

H. J. R. No. 6, To Committee on Constitutional Amendments.

H. B. No. 669, To Committee on State Affairs.

H. B. No. 326, To Committee on Criminal Jurisprudence.

Recess

On motion of Senator Wagonseller, the Senate at 4:40 o'clock p. m. took recess until 10:30 o'clock a.m. tomorrow.

In Memory of
W. Steve Cooke

Senator Kelly of Tarrant offered the following resolution:

(Senate Concurrent Resolution 49)

Whereas, The Supreme Architect of the Universe has, in His Infinite Wisdom, called from his earthly home W. Steve Cooke of Fort Worth, Tarrant County, Texas; and

Whereas, W. Steve Cooke had participated for nearly half a century in the business and civic life of Fort Worth, and in Masonic activities throughout Texas, and as a Masonic leader and a patron of religious activities, education and community life, he rendered invaluable service to the cause of human betterment; and

Whereas, W. Steve Cooke had served as Grand Master of the Masonic Grand Lodge of Texas and actively participated in all other Masonic Bodies, and, at the time of his death, was Sovereign Grand Inspector General of the Scottish Rite of Masonry in Texas; and

Whereas, As a Mason, W. Steve Cooke implemented the high ideals of that order in holding many official positions and in sponsoring such institutions as the Scottish Rite Dormitory in Austin and the Scottish Rite Hospital for Crippled Children, serving as a member of the Board of Directors of both of these institutions; and

Whereas, W. Steve Cooke's contribution to education, in part, was his service as President of the Board of the Masonic Home and School, and as Trustee of Texas Christian University; and

Whereas, W. Steve Cooke served for many years as a member of the Water Board of the City of Fort Worth, which pioneered in community flood control and water conservation; and

Whereas, The material fruits of W. Steve Cooke's full life of service are evident on every side, and his example was an inspiration to many; and a keynote of this life of usefulness and human betterment was the realization of the value of religion as a living force; and

Whereas, W. Steve Cooke was a builder of his City and State, who appreciated both the material as well as the intangible values and who laid down the pattern for the better way of life that is founded on the brotherhood of man and the fatherhood of God; and

Whereas, The death of W. Steve Cooke is a severe loss to the entire State, and a challenge for all to carry on his magnificent work; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body extend to the family and friends of W. Steve Cooke, our sincere sympathy and earnest appreciation for a life that was crowned with dignity, integrity, and honor, and was devoted to helping his fellow man, and that when the Senate adjourns today, it do so in tribute to the memory of W. Steve Cooke, and be it further

Resolved, That a copy of this resolution be furnished his survivors.

KELLY of Tarrant
KELLEY of Hidalgo
MOFFETT

The resolution was read.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the resolution was considered immediately and was adopted.

In Memory of
A. J. Peterson

Senator Phillips offered the following resolution:

(Senate Concurrent Resolution 50)

Whereas, The State of Texas lost one of its most distinguished and beloved citizens when death closed the illustrious career of A. J. Peterson on Wednesday, April 11; and

Whereas, We realize that we must yield to the inscrutable ways of Providence and bow to the will of Him Who doeth all things well; and

Whereas, Mr. Peterson's passing ended a full and outstanding life of service as a leader in his community and the State; he was in the banking business more than forty years; was prominent in many civic activities, having been president of the Chamber of Commerce of Galveston in 1940 and president of the Galveston Red Cross for two terms; served on the John Sealy Hospital board of managers; was potentate of El Mina Shrine in 1938; was president of the Galveston Clearing House Association; was a past president of the Galveston Artillery Club and a member of the First Presbyterian Church, Galveston; and

Whereas, A. J. Peterson, President of the United States National Bank of Galveston, attained success in his chosen field through his belief in hard work, conscientious efforts and friendly business methods; and

Whereas, A. J. Peterson was married to the former Nan Dudley of Hillsboro, and in this happy partnership was reared a family of two children; a son, Dudley W. Peterson, Texas Representative of the 18th District; and a daughter, Mrs. Duke Files; and

Whereas, The influence of this prominent citizen will long be felt by those whose paths crossed his in the course of his useful life; and

Whereas, It is the desire of the Senate and the House of Representatives concurring to acknowledge and pay tribute to the worthy life of A. J. Peterson and to extend sympathy to the surviving members of his family; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that we express our deepest regret for the loss of this good man and that when the Senate and House adjourn today, they do so in memory of A. J. Peterson; and be it further

Resolved, That a page be set aside in the Journal for this resolution; and that a copy of this resolution be sent to each member of the family of the deceased.

PHILLIPS

The resolution was read.

On motion of Senator Phillips, and by unanimous consent, the resolution was considered immediately and was adopted.